

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE IV “OFFICERS AND EMPLOYEES,” DIVISION 1 “GENERALLY” BY CREATING SECTION 2-254 “RESIDENCY REQUIREMENTS FOR CHARTER OFFICERS;” PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise is located in western Broward County, is home to approximately 92,000 residents and host to several million national and international visitors each year; and

WHEREAS, the City of Sunrise is a vibrant community which boasts affordable, livable neighborhoods, an extensive network of parks and green space, abundant recreational and cultural opportunities and excellent schools; and

WHEREAS, as the 26th largest municipality in Florida, the City of Sunrise is the home to one of the largest corporate office parks in South Florida and is the gateway to a vast number of residential, business, entertainment and cultural opportunities; and

WHEREAS, the main funding source for the City of Sunrise’s general fund is the ad valorem taxes paid by property owners within the City; and

WHEREAS, the City of Sunrise currently provides a City of Sunrise Resident Preference when hiring non-Charter Officer employees wherein applicants who are residents of the City of Sunrise and who are deemed qualified for an open position may be given preference over an applicant with the same qualifications who does not reside in the City of Sunrise, provided such preference is applied consistent with the applicable requirements of state and federal law; and

WHEREAS, Florida Statutes §112.021 (2020) provides that “Except as expressly provided by law, there shall be no Florida residence requirement for any person as a condition precedent to employment by any county.” and

WHEREAS, the City of Sunrise desires for its Charter Officers to be residents of the City of Sunrise to provide them with a stake in the City of Sunrise, to capture the revenues generated by the employees, to help promote growth in neighborhoods, and to participate in the fabric of the community by coaching and serving in other nonprofit organizations, to be more accessible both to residents and businesses, and to promote

a sense of empathy for the City and a concern for its welfare; and

WHEREAS, resident employees are available for work emergencies on short notice; and

WHEREAS, residency requirements reduce the burden unemployed residents impose upon the City; and

WHEREAS, residency requirements imposed upon municipal employees as a continuing condition of their public employment have been upheld by numerous courts, and residency requirements have been found to be rationally related to a legitimate governmental interest; and

WHEREAS, municipal employees do not have a fundamental right to be free from residency requirements (See *McCarthy v. Phila. Civil Serv. Comm'n.*, 424 U.S. 645, 645-45 (1976); and *Gusewelle v. Wood River*, 374 F.3d 569, 578 (7th Cir. 2004); and

WHEREAS, the City of Sunrise has 5 charter officer who are hired directly by the City Commission and who serve as chief policymaking employees of the City and who have significant discretion in the performance of their duties which directly affect the City of Sunrise's economy, the business culture, and the community for the residents; and

WHEREAS, the Sunrise City Commission has considered this matter and determined that residency within the City for its Charter Officers is in the best interests of the City and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That the Code of the City of Sunrise, Florida is hereby amended by creating section 2-254, which section reads as follows:

Section 2-254. ~~Reserved.~~ Residency requirements for charter officers.

(a) Effective after October 1, 2021, newly appointed charter officers shall be residents of the City of Sunrise at the time of appointment or within 180 days of appointment and shall maintain city residency at all times of employment. A "resident" shall mean a person whose primary residence lies within the

within the geographical limits of the City of Sunrise. A person appointed as a charter officer who is not a resident of the city at the time of appointment shall have 180 days after appointment as a charter officer to become a resident of the city. Each charter officer shall file an initial certification of residency with the City Clerk within 30 days of establishing City residency. Each charter officer appointed after October 1, 2021 shall file an annual certification that he or she meets the residency requirement with the City Clerk by October 1 of each year. The City Clerk shall provide copies of the initial certification and the annual certification forms to the Mayor and Commissioners.

(b) A charter officer's failure to comply with this Section 2-254, including but not limited to a failure to become a Sunrise resident timely, a failure to file the initial certification, a failure to file an annual certification, a failure to maintain Sunrise resident status, or falsifying Sunrise resident status shall be grounds for termination for cause by the City Commission at any time. A failure of the City Commission to exercise the termination shall not act as a waiver by the City Commission.

(c) This section does not apply to charter officers hired prior to October 1, 2021.

Sections 2-255 ~~2-254~~ – 2-56. Reserved.

Section 3. The Charter Officer Initial Certification Regarding City Residency and Charter Officer Annual Certification Regarding City Residency forms, which are attached hereto as composite Exhibit "A," are approved for use and may be amended by the City Commission by resolution.

Section 4. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this _____ DAY
OF _____, 2021.

PASSED AND ADOPTED upon this second reading this _____ DAY
OF _____, 2021.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

SECOND READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Kimberly A. Kisslan